

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 4-9 are pending in this application. Claim 4 is amended and claims 1-3, and 10-43 have been cancelled. Claim 4 is the independent claim.

Non-statutory Double Patenting Rejection

Claims 4-9 stand rejected on ground of non-statutory obviousness type double patenting as being unpatentable over claims 14-18 of US Patent No. 6,403,939 (Fagrell). Applicant directs the Examiner's attention to the Terminal Disclaimer, attached hereto, in compliance with 37 CFR §1.321(c) wherein it is stated that US Patent No. 6,403,939 and the present application are commonly owned. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the non-statutory obviousness type double patenting rejection of claims 4-9.

Rejections under 35 U.S.C. § 103

Claims 4-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO91/12888 in combination with Collins (US Patent No. 3,281,648). Applicants respectfully traverse this rejection for at least the reasons detailed below.

With regard to claim 4, the Examiner alleges the apparatus of WO'888 discloses individually and independently controlling two generators based on control signals from two applicators. Applicants disagree. WO '888 teaches bulk heating and cooling of multiple samples based on a single magnetron tube (12) and a single temperature sensor (13) in a single chamber (1), such that an advantage is achieved by heating multiple samples and one water bath with a single magnetron tube (12) (page 5, lines

5-15; *see also* page 2, lines 9-24 and Figure 1 *see also* Figure 8). Applicants respectfully submit that claim 4 has been amended to clarify how the electromagnetic radiation is provided. The radiation is applied to each sample individually such that "electromagnetic radiation is provided specifically and independently to each of the chemical reactions," as recited in amended claim 4.

At most, Collins discloses a solid state harmonic generator which is used as a power source at microwave frequencies. Collins does not disclose "a first applicator," or a "second applicator," nor does Collins disclose "applying electromagnetic radiation" to a first or second sample in a first or second applicator as recited in claim 4. Therefore, Collins fails to disclose each and every element of amended claim 4.

Because WO'888 and Collins fail to teach or suggest each and every element of amended claim 4, WO'888 in combination with Collins can not anticipate or render obvious amended claim 4. Claims 5-8 are allowable at least for depending from an allowable based claim. Withdrawal of the rejection is respectfully requested.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being as being unpatentable over WO'888 in combination with Collins in further view of WO 95/27387. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, WO'888 in combination with Collins fails to disclose or suggest independent claim 4.

WO'387 teaches experimenting with water and using tapered waveguides. WO'387 does not teach using "electromagnetic radiation is provided specifically and independently to each of the chemical reactions," as recited in amended claim 4. Therefore, WO'387 suffers from the same deficiencies as WO'888 in combination with Collins in disclosing or suggesting claim 4, and WO'888 in combination with Collins in

further view of WO'387 can not render claim 4 obvious to an individual skilled in the art. Accordingly, claim 9, dependent on claim 4, is patentable at least for the reasons stated above with respect to claim 4.

The Applicants, therefore, respectfully request that the rejection to Claim 9 under 35 U.S.C. § 103(a) be withdrawn.

Claims 4-6 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chitre et al. (US Patent No. 4,687,895) in combination with Green et al. (US Patent No. 6,175,104).

With regard to claim 4, the Examiner alleges the apparatus of Chitre discloses individually and independently controlling two generators based on control signals from two applicators. Applicants disagree. Chitre discloses applying radiation to a number of samples at the same time by using a pallet system advanced on a conveyer belt (see Figure 4 and column 11 lines 1-42). Chitre does not disclose that radiation is applied independently to each of the samples. Applicants respectfully submit that claim 4 has been amended to clarify how the electromagnetic radiation is provided. The radiation is applied to each sample individually such that "electromagnetic radiation is provided specifically and independently to each of the chemical reactions," as recited in amended claim 4.

At most, Green discloses a variety of microwave sources in a microwave enhanced chemical reaction apparatus (see column 1 lines 5-6 and column 3 lines 22-26). Therefore, Green fails to disclose each and every element of amended claim 4.

Because Chitre and Green fail to teach or suggest each and every element of amended claim 4, Chitre in combination with Green can not anticipate or render

obvious amended claim 4. Claims 5-6 and 9 are allowable at least for depending from an allowable based claim. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

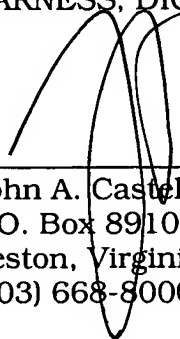
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1,110.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,
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By



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